

~~SECRET//NOFORN//XT~~



DEPARTMENT OF THE ARMY  
United States Army Intelligence and Security Command  
Headquarters, 470<sup>th</sup> MI Brigade  
2450 Stanley Road, Suite 420  
Fort Sam Houston, Texas 78234-6102

IASA-SCO

2 June 2005

REPORT OF INVESTIGATION

1. (U) ADMINISTRATIVE DATA:

TITLE: (S//NF) Guantanamo Bay, Cuba  
(U) SAEDA  
24 December 2004

ACCO CCN: (b)(7)(E)

INVESTIGATING UNIT: JTF-GTMO

CONTROL OFFICE: SCO 470th

DATE OPENED: 20 January 2005

DATE CLOSED:

REASON FOR INVESTIGATION:

To determine whether SGT [b6] and SSG [b6] both US Army Reservists, participated in a deliberate security compromise by maintaining and destroying classified documents in their government quarters while deployed to Guantanamo Bay (GTMO), Cuba.

CASE STATUS: Terminated

2. (U) SYNOPSIS:

INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM  
OFFICIAL GOVERNMENT RECORDS

(U) a. (S//NF) This investigation was predicated on a 28 December 2004 Initial SAEDA Memorandum that on 24 December 2004, [b6] SGT; US Army Reserves; SSN [b6] DOB: [b6] Intelligence Analyst, S-2, Room 8, Building 8, Camp Delta, Joint Detention Operations Group (JDOG), GTMO, Cuba; assigned to Headquarters and Headquarters Company (HHC), 783 Military Police (MP) Battalion (Bn), Joint Task Force (JTF-GTMO); residing at 378A, Kittery Beach Housing, GTMO; DEROS: 23 March 2005; Security Clearance: TOP SECRET with daily access

DERIVED FROM: USAINSCOM SCG 380-2  
DECLASSIFY ON: X1  
DATE OF SOURCE: 5 August 1996

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOI/PA  
Auth para 4-102, DOD S200-1R

~~SECRET//NOFORN//XT~~

IASA-SCO

2 June 2005

SUBJECT: REPORT OF INVESTIGATION

to SECRET; and [b6] SSG; US Army Reserves; SSN: [b6] DOB: [b6] Senior Intelligence Analyst, S-2, Room 12, Building 8, Camp Delta, JDOG, GTMO; assigned to 783 MP Bn, JTF-GTMO; residing at 378A, Kittery Beach (KB) Housing, GTMO; DEROS: 19 January 2005; Daily Access to SECRET, were involved in a security compromise. At approximately 1300, on 24 December 2004 at [b6] SGT [b6] saw [b6] tearing up SECRET/NOFORN documents which were lying on [b6] bed. [b6] and [b6] all resided at 378A KB Housing. Source asked [b6] what HE was doing. [b6] stated that HE accidentally took the documents from the camp and was going to burn the documents and that there were also papers classified TOP SECRET/NOFORN on the kitchen table. [b6] did not know who owned the papers on the kitchen table. The TOP SECRET document on the kitchen table was standard, 8.5 by 11 inch, white paper with black lettering and consisted of at least 5 pieces of paper. The TOP SECRET document appeared to be a list of other TOP SECRET documents. At 1330, [b6] returned to 378A KB Housing. When [b6] asked HIM where the TOP SECRET document came from, [b6] stated that someone in the Criminal Investigations Task Force (CITF) gave it to HIM. At approximate 1340, both [b6] and [b6] burned all the classified documents in the back yard. A fourth roommate at [b6] SPC [b6] also witnessed this incident. On 20 January 2005, 470<sup>th</sup> SCO opened this investigation. (1-2, Exhibit I)

(U) b. (S//NF) On 25 February 2005, SFC [b6] Security Manager, JDOG, GTMO, provided that "sometime after Christmas" 2004, not further specified (nfs), [b6] mentioned "burning classified material," nfs. [b6] was recovering from dental surgery at the time and did not ask for any additional information about [b6] statement. [b6] provided only positive comments concerning [b6] and [b6] [b6] departed GTMO on 19 January 2005, and was believed to be back home in Indiana preparing a Warrant Officer packet. (3)

(U) c. (S//NF) On 3 March 2005, the records of the Joint Personnel Adjudication System were reviewed. The review revealed [b6] had Special Compartmented Information access eligibility based on a 13 September 2001 SSBI, and [b6] had a SECRET clearance based on an NLC investigation completed 4 June 2001. (4)

d. (S//NF) On 3 and 10 March 2005, [b1] [b1] US Naval Station, GTMO, revealed no derogatory information concerning [b6] or THIMM.. (5-6)

~~SECRET//NOFORN//X1~~

IASA-SCO  
SUBJECT: REPORT OF INVESTIGATION

2 June 2005

(U) e. (S//NF) On 10 March 2005, records of the Security Badging Office, JTF-GTMO, were examined to determine the level of access of [b6]. The examination revealed both [b6] had "Red JTF Security Badges," which gave [b6] and [b6] only SECRET access at JTF-GTMO. (7)

(U) f. (S//NF) On 16 and 23 March 2005, [b6] was interviewed concerning this incident. [b6] executed a Rights Warning/Waiver Certificate, prior to the first interview. During the first interview [b6] claimed that the documents destroyed during the incident on 24 December 2004 were not classified, but "For Official Use Only." During the second interview, [b6] stated that "the more and more HE thought about it," HE was able to recall the documents [b6] destroyed were classified TOP SECRET. [b6] did not think the incident was questionable. [b6] claimed the documents HE destroyed were notes that HE had taken and HE only destroyed them "to be safe." (8-9, Exhibit II)

3. (U) CASE TERMINATED: This incident appears to clearly be a deliberate security compromise. A memorandum concerning this incident will be provided to the Army Central Clearance Facility for their action.

4. (U) ROI prepared by: Special Agent [b6] JTF-GTMO, Cuba.

b6

Chief, Sub-Control Office  
470<sup>th</sup> MI Brigade

Encl  
78 IMFRs  
2 Exhibits  
2 MFRs

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOLTA  
Auth para 4-102, DOD 5200-1R

~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



MEMORANDUM FOR

28 December 2004

COMMANDER, 470th MILITARY INTELLIGENCE GROUP, ATTN: b6  
b6 SAN ANTONIO, TX 78250  
ARMY CENTRAL CONTROL OFFICE, ATTN: IAOP-CHS-CA, FORT  
BELVOIR, VIRGINIA 22060  
COMMANDER, FOREIGN COUNTERINTELLIGENCE ACTIVITY,  
ATTN: IAMG-FCA, FORT MEADE, MD 20755-5955

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAEDA, CAT III  
24 December 2004  
(U) ICCN: (b)(7)(E)

1. (U) ~~(S//NF)~~ SUMMARY: On 24 December 2004, a US Army Reserve Staff Sergeant and US Army Reserve Sergeant had documents with Top Secret classification at their military quarters at Kittery Beach Housing, Guantanamo Bay, Cuba. MACOM: JTF-GTMO; Technology Involved: Unknown.

2. (U) ~~(S)~~ DATES OF INCIDENT: 24 December 2004

3. ~~(S)~~ LOCATION OF INCIDENT: b1  
b1

4. (U) PERSONS INVOLVED:

a. (U) SUBJECT(S):

(U)(1) ~~(S//NF)~~ SUBJECT1: b6; SGT; US Army Reserves; SSN: b6 DOB: b6 Intelligence Analyst, S-2, Room 8, Building 8, Camp Delta, Joint Detention Operations Group (JDOG), GTMO, Cuba; assigned to Headquarters and Headquarters Company (HHC), 783 Military Police (MP) Battalion (Bn), Joint Task Force (JTF-GTMO); residing at 378A, Kittery Beach Housing, GTMO; Security Clearance: TOP SECRET with daily access to SECRET; DEROS: March 2004; Not Further Identified (NFI).

DERIVED FROM: USAINSCOM SCG 290.2  
DECLASSIFY ON: X1  
DATE OF SOURCE: 5 AUG 1996

~~SECRET//NOFORN//X1~~



~~SECRET//NOFORN//X1~~

JTF-GTMO J2/CI (381-20p)

28 December 2004

SUBJECT: (U) (S) SAEDA, CAT III

(U) LCCN: (b)(7)(E)

(U) (2) (S//NF) SUBJECT2: [b6] SSG; US Army Reserves; SSN: [b6] DOB: [b6] Senior Intelligence Analyst, S-2, Room 12, Building 8, Camp Delta, JDOG, GTMO; assigned to 783 MP Bn, JTF-GTMO; residing at 378A, Kittery Beach Housing, GTMO; Daily Access to SECRET; DEROS: 15 January 2005; NFI.

b. (U) SOURCE(S):

(U) (1) (S//NF) Source1: [b6] SGT; US Army Reserves; SSN: [b6] DPOB: [b6] [b6] CI Analyst, S-2, Building 8, Camp Delta, JDOG, GTMO; residing at 378A, Kittery Beach Housing, GTMO; GTMO Home telephone: [b6] GTMO work telephone: [b6] [b6] Security Clearance: TOP SECRET with Daily Access to SECRET; DEROS: March 2005; NFI.

(U) (2) (S//NF) SOURCE2: [b6] SPC; US Army National Guard; SSN: [b6] POB: [b6] Evidence Noncommissioned Officer In Charge, S-2, Room 14, Building 8, Camp Delta, JDOG, GTMO, Cuba; assigned to 2-102 Armor, JTF-GTMO; residing at 378A, Kittery Beach Housing, GTMO; GTMO Home telephone: [b6] GTMO work telephone: [b6] [b6] Security Clearance: TOP SECRET; DEROS: March 2005; NFI.

c. (U) OTHERS KNOWLEDGEABLE (OK):

(U) (1) (S//NF) OK1: [b6] SPC; US Army Reserves; CI Analyst, S-2, Building 8, Camp Delta, JDOG, GTMO; residing at 118, Tierra Kay Housing, GTMO; GTMO Home telephone: [b6] GTMO work telephone: [b6] Security Clearance: TOP SECRET with Daily Access to TOP SECRET; DEROS: March 2005; NFI.

(U) (2) (S//NF) OK2: [b6] SFC; US Army National Guard; NCOIC S-2, Building 8, Camp Delta, JDOG, GTMO;

~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~

JTF-GTMO J2/CI (381-20p)

28 December 2004

(U)  
SUBJECT: (S) SAEDA, CAT III

(U) LCCN: (b)(7)(E)

GTMO Home telephone: b6 GTMO work telephone: b6

b6 Permanent Address: b6

b6 Security Clearance: TOP SECRET with  
Daily Access to SECRET; DEROS: March 2005; NFI.

5. (U) NARRATIVE:

**SOURCES HAD NO OBJECTION TO THEIR IDENTITIES BEING RELEASED  
INFORMATION OBTAINED THROUGH OFFICIAL GOVERNMENT RECORDS**

a. (U) (S//NF) On 27 December 2004 Sourcel reported to the J-2/CI Section the following incident.

b. (U) (S//NF) At approximately 1300, on 24 December 2004 at b6 Sourcel saw SUBJECT1 tearing up SECRET/NOFORN documents which were lying on Sourcel's bed. Sourcel asked SUBJECT1 what HE was doing. SUBJECT1 stated that HE accidentally took the documents from the camp and was going to burn the documents and that there were also documents classified TOP SECRET/NOFORN on the kitchen table. SUBJECT1 did not know who owned the documents on the kitchen table. The TOP SECRET document on the kitchen table was standard 8.5 by 11 inches on white paper with black lettering and was at least 5 pages. The TOP SECRET document appeared to be a list of other TOP SECRET documents. Sourcel could provide no further information regarding the documents.

c. (U) (S//NF) At approximately 1330, SUBJECT2 returned to home to b6 Sourcel asked SUBJECT2 about the documents labeled TOP SECRET/NOFORN/X1 that were on the kitchen table. SUBJECT2 explained that someone in the Criminal Investigation Task Force (CITF) must have given HIM these documents by accident. Sourcel then asked SUBJECT2 who gave them to HIM. SUBJECT2 replied with "she did". Sourcel could provide no further information regarding the unidentified female employee of the CITF.

d. (U) (S//NF) At approximately 1340, SUBJECT2 went to the backyard and burned the TOP SECRET/NOFORN documents in a coffee can while SUBJECT1 burned HIS SECRET/NOFORN documents. Sourcel

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~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~

JTF-GTMO J2/CI (381-20p)

28 December 2004

(U)  
SUBJECT: (S) SAEDA, CAT III

(U) LCCN: (b)(7)(E)

told both SUBJECT 1 and SUBJECT 2 that doing this wasn't right, but THEY continued to do so despite being advised against it. Witness is Sourcel's roommate and was present watching television and may have observed the incident.

(U) e. (S//NF) Source2 witnessed the aforementioned incident. Source2 noted a six to seven page document with a TOP SECRET classification, which was left in the common areas of 378A KB, GTMO. The document appeared to be a Table of Contents with times and events. SUBJECT1 and SUBJECT2 burned two sets of classified documents in a can outside of 378A KB and dispersed the ashes. Source2 could provide no further information regarding the documents.

(U) f. (S//NF) Sourcel knew SUBJECT1 professionally since 10 May 2004, when He was assigned to the HHC, 783 MP Bn, for the JTF-GTMO deployment. Sourcel could provide no pertinent information concerning SUBJECT1's lifestyle, finances, work habits, hobbies, associates, foreign connections or foreign travel.

(U) g. (S//NF) Sourcel knew SUBJECT2 professionally since late May 2004, exact date not recalled, when He was assigned to JDOG, JTF-GTMO, GTMO, Cuba. SUBJECT2 had complained about not having a job to go home to after this deployment. SUBJECT2 has been in GTMO Bay, Cuba since May 2003, exact date unknown. SUBJECT2 works unusually late work hours and has extremely extensive knowledge of detainees and operations within Camp Delta. Sourcel could provide no further information concerning SUBJECT2's lifestyle, hobbies, associates, foreign travel or foreign connections.

(U) h. (S//NF) Source2 knew SUBJECT1 professionally since 16 May 2004, when He was assigned to JDOG, JTF-GTMO. Source2 described SUBJECT1 as a "work-aholic" who works a significant amount of overtime. Source2 stated that SUBJECT1 has had to do significant work from GTMO to relocate HIS family in the states after a home fire. Source2 could provide no pertinent information concerning SUBJECT1's lifestyle, finances, hobbies, associates, foreign connections or foreign travel.

~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~

JTF-GTMO J2/CI (381-20p)

28 December 2004

SUBJECT: (U) SAEDA, CAT III

(U) LCCN: (b)(7)(E)

i. (U) (S//NF) Source2 knew SUBJECT2 professionally since 16 May 2004, when He was assigned to JDOG, JTF-GTMO. SUBJECT2 works some overtime and attends a significant amount of Delta Camp briefings. Source2 described SUBJECT2'S extensive knowledge of Delta Camp procedures and detainee operations as "HE practically runs the Camp". Source2 could provide no further information concerning SUBJECT2'S lifestyle, hobbies, associates, foreign travel or foreign connections.

6. (U) ACTIONS TAKEN:

(U) a. (S//NF) Source1, Source2, OK1, and OK2 read and signed the Privacy Act of 1974 Advisement Statement and a Secrecy Affirmation Statement. Agent b6 administered the oath for Source1's Sworn Statement.

(U) b. (S//NF) Agent b6 conducted a background check with the JTF Badging Office to determine the security access level of SUBJECT1 and SUBJECT2. Both SUBJECT1 and SUBJECT2 have a SECRET level JTF access.

(U) c. (S//NF) Agent b6 conducted a background check with the JDOG S-2 Security Manager, OK2, to determine if SUBJECT1 and/or SUBJECT2 had reported the incident THEMSELVES. SUBJECT2 told OK2 in passing that HE had accidentally taken documents from the SCIF but HE had destroyed them.

(U) d. (S//NF) Agent b6 conducted a background check on the Joint Personnel Adjudication System (JPAS) to determine SUBJECT1'S and SUBJECT2'S security clearances. SUBJECT1 has a TOP SECRET SCI clearance based on SSBI in 2001 and SUBJECT2 has a SECRET clearance.

7. (U) AGENT'S COMMENTS:

(U) a. (S//NF) Agent names and any other identifying information are exempt from release under FOIA exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)), and may not be disclosed in response to FOIA requests for IIRs or other intelligence investigative documents.

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~~SECRET//NOFORN//X1~~



~~SECRET//NOFORN//X1~~

JTF-GTMO J2/CI (381-20p)

28 December 2004

SUBJECT: (S) SAEDA, CAT III

(U) LCCN: (b)(7)(E)

(U) b. (S//NF) This office assesses this incident as a CAT III. FIS involvement is considered remote. This office recommends the incident be opened and assigned a case control number to substantiate or repudiate FIS involvement. This office will conduct no further investigative activity until otherwise directed by SCO/ACCO.

(U) c. (S//NF) Kittery Beach Housing JTF-GTMO is maintained by Third Country National (TCN) Contractors. These contractors will enter the housing units to change air filters, spray for insects, etc and have key access to the housing units. Even though this incident took place on a holiday, 24 December 2004, the TCN's were working that day and were changing air filters in the JTF-GTMO housing areas.

(U) d. (S//NF) SUBJECT2 is scheduled to permanently leave from GTMO on 15 January 2005 which is three weeks from the date of this ISM.

(U) e. (S//NF) This office has confirmed through b6 Special Agent; CITF; that there are no females working for CITF at GTMO who have access to classified documents. However, individuals routinely confuse CITF with other agencies at GTMO. This office is unable to determine the origin of the TOP SECRET document.

8. (U) REPORT PREPARED BY: b6 Special Agent;  
J2/CI Office, JTF-GTMO, CU; Secure Telephone: DSN: b6  
Commercial b6

9. (U) EXHIBITS:

I(S//NF) Sworn Statement, dtd 28 December 2004, 2 pages.

(U)

b6

Special Agent  
J2/CI, JTF-GTMO

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOIPA  
Auth para 4-102, DOD 5200-1R

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~~SECRET//NOFORN//X1~~

9

~~SECRET//NOFORN//XI~~

# U.S. ARMY INTELLIGENCE AND SECURITY COMMAND



## EXHIBIT COVER SHEET (ASCCM Regulation 381-100)

### SUBJECT:

(U)  
~~(S)~~

Guantanamo Bay, Cuba  
SAEDA, CAT III  
24 December 2004

### FILE NUMBER:

(U)

ACCN: (b)(7)(E)

### PREPARING UNIT:

(U)

J2/CI, Joint Taskforce GTMO  
Guantanamo Bay, Cuba  
APO AE 09360

### AGENT REPORT DATED:

(U)

28 December 2004

### DESCRIPTION:

~~(FOUO)~~  
(U)

DA Form 2823, dtd 28 December  
2004, executed by Source, 2 pages.

Exhibit I

~~SECRET//NOFORN//XI~~

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Guantanamo Bay, Cuba	2. DATE /YYYYMMDD/ <b>b6</b> 2004/12/28	3. TIME <b>b6</b> 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <b>b6</b>	6. SSN <b>b6</b>	7. GRADE/STATUS E-5/USAR	

8. ORGANIZATION OR ADDRESS  
Headquarters and Headquarters Company, 783 Military Police Battalion, Joint Task Force Guantanamo, Guantanamo Bay, Cuba

9. **b6** I, **b6**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

**b6** At approximately 1300, 24 December 2004, Sergeant **b6** returned from work and came to my room at 37B A, Kittery/ Beach Housing, Joint Task Force Guantanamo, Guantanamo Bay, Cuba. **b6** is an Intelligence Analyst for the Joint Detention/ Operations Group S-2 and is assigned to the Headquarters and Headquarters Company, 783 Military Police Battalion. At approximately 1300, Sergeant **b6** was ripping up documents classified SECRET/NOFORN on my bed. When asked about them, **b6** said he was going to burn them and that there were other documents classified TOP SECRET/NOFORN/X1 on the table located in the kitchen. The document looked like a list of other TOP SECRET documents. It was standard 8.5 inch by 11 inch white paper with black lettering and seemed to be at least 5 pages. I can provide no further information concerning the documents. Sergeant **b6** didn't know whom the documents belonged to. At approximately 1330, Staff Sergeant **b6** returned home from work. **b6** is the Senior Intelligence Analyst for the Joint Detention Operations Group, Joint Task Force Guantanamo/ Bay, Guantanamo Bay, Cuba and is assigned to the 783 Military Police Battalion. When asked about the documents classified TOP/ SECRET/NOFORN/X1, **b6** explained that someone in the Criminal Investigation Task Force must have gave him these documents by accident despite **b6** only having a SECRET clearance. When I asked who gave them to **b6** his reply was "she/ did". I can provide no further information regarding the unidentified female employee of the Criminal Investigation Task Force. At approximately 1340, **b6** went to the backyard and burned the documents in a coffee can while **b6** burned his SECRET/NOFORN documents. I told both **b6** that doing this wasn't right, but they continued to do so despite being advised against it. My roommate Specialist **b6** was present and watching television and may have observed the incident. I can provide no further information concerning this incident. I have known **b6** professionally since late May 2004, exact date not recalled, when I was assigned to the Joint Detention Operations Group S-2, Joint Task Force Guantanamo Bay, Guantanamo Bay, Cuba. **b6** had complained about not having a job to go home do after this deployment. **b6** has been in Guantanamo Bay, Cuba since May 2003, exact date unknown. **b6** works unusually late work hours and has extremely extensive/ knowledge of detainees and operations within Camp Delta. I have known **b6** professionally since 10 May 2004, when I was assigned to the Headquarters and Headquarters Company, 783 Military Police Battalion, for this deployment. I have discussed

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <b>b6</b>	PAGE 1 OF <b>b6</b> PAGES <b>b6</b>
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF b6 TAKEN AT GTMO, Cuba DATED 2004/12/28 b6

b6 STATEMENT (Continued)  
this incident with Specialist b6 for advice. I have nothing to add to this statement.  
////////////////////////////////////  
////////////////////////////////////END OF STATEMENT////////////////////////////////////

Not  
USER

b6

b6

AFFIDAVIT

b6 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 b6 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

b6

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of December, 2004 at Guanantanamo Bay, Cuba

b6

(Typed Name of Person Administering Oath)  
Article 136(b)(4) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT b6

b6 b6  
PAGE 2 OF 2 PAGES





REPLY TO  
ATTENTION OF

~~SECRET//NOFORN//X1~~

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 470TH MILITARY INTELLIGENCE BRIGADE  
2450 STANLEY ROAD, SUITE 420  
FORT SAM HOUSTON, TX 78234-6102

IASA-CDR

20 January 2005

MEMORANDUM FOR RECORD

SUBJECT: (U) ~~(S//NF)~~ Guantanamo Bay, Cuba  
SAEDA  
24 December 2004

(U) ACCN: (b)(7)(E)

1. (U) References:

a. (U) Army Regulation 381-20, The Army Counterintelligence Program, 15 Nov 1993.

b. (U) Army Regulation 381-12, Subversion and Espionage Directed Against the Army (SAEDA), 15 January 1993.

c. (U) ~~(S)~~ Initial SAEDA Message, JTF-GTMO J2/CI, 28 December 2004, Subject: SAB, LCCN: (b)(7)(E)

2. (U) Operation Interest (OI) Determination: N/A.

3. (U) ~~(S//NF)~~ Background: Reference c, above, reported that on 24 December 2004, two US Army Reserve Noncommissioned Officers improperly destroyed classified documents in government quarters on Guantanamo Bay (GTMO), Cuba. The documents were reportedly classified SECRET and TOP SECRET, both with special handling instructions of NOFORN.

4. (U) ~~(S)~~ Case Determination/Action: This office assesses this incident as a Congressional Budget Justification Book (CBJB) category of Security. Effective the date of this memorandum, this Preliminary Inquiry is OPENED with the above Subject Block and CCN. All future reporting should use the assigned Subject block shown above.

5. (U) Objectives: (b)(7)(E)

DERIVED FROM: USAINSCOM SCG 380-2  
DECLASSIFY ON: X1  
DATE OF SOURCE: 5 AUG 9

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOI/PA  
Auth para 4-102, DOD 5200-1R

~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~

IASA-CDR (U)

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba; SAEDA; 24 December 2004

(U) ACCN: (b)(7)(E)

(b)(7)(E)

6. (U) The SCO point of contact is [b6] commercial  
telephone [b6] (STE), SIPRNET e-mail  
[b6]

b6

Chief, 470<sup>th</sup> SCO

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOL/PA  
Auth para 4-102, DOD 5200-1R

~~SECRET//NOFORN//X1~~

~~SECRET//NOFORN//X1~~



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

1 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: (U) (C//NF) Guantanamo Bay, Cuba  
SAEDA (DSC)  
24 December 2004

(U) ACCN: (b)(7)(E)

SOURCE HAD NO OBJECTION TO HIS IDENTITY BEING RELEASED

1. (U) (C//NF) On 25 February 2005, an interview was conducted with (b6) SFC, (b6) DBOP: (b6) (b6) US Army National Guard; Security Manager, S-2, Joint Detainee Operations Group (JDOG), Building 8, Camp Delta, Guantanamo Bay, Cuba (GTMO); GTMO Home telephone: (b6) (b6) GTMO work telephone: (b6) Permanent Address: (b6)

Security Clearance: TOP SECRET with Daily Access to SECRET; DEROS: 21 March 2005; NFI; hereinafter referred to as Source, provided information concerning SUBJECT1 and SUBJECT2. The purpose of this interview was to collect background information on SUBJECT1 and SUBJECT2 and determine likelihood of SAEDAD involvement by SUBJECTS. Source provided the following information:

a. (U) (C//NF) Source has known SUBJECT1 since May 2004 when SUBJECT1 and Source arrived at GTMO. Source works with SUBJECT1 on a daily basis, six times a week and Source knows SUBJECT1 socially through unit functions and other unofficial get-togethers about once a month.

b. (U) (C//NF) Source has known SUBJECT2 since May 2004 when Source arrived at GTMO. SUBJECT2 permanently left GTMO on 19 January 2005. Source works with SUBJECT1 on a daily basis, six times a week and Source met socially with SUBJECT2 approximately

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DATE OF SOURCE: 5 AUG 96

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JTF-GTMO J2/CI

(U)  
SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
SAEDA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

5 times a week for the gym, movies, etc, before SUBJECT2 permanently left GTMO. Source added that SUBJECT2 is back home in Indiana preparing a Warrant Officer Packet.

c. (U) ~~(S//NF)~~ Source stated that SUBJECT1 has a Top Secret SCI clearance and access to SIPRNET. Source stated that SUBJECT2 had an interim Top Secret clearance and also had access to SIPRNET. Source was unaware of SUBJECT1 or SUBJECT2 having access to TS-SCI information. Agents Notes: a check of the Joint Personnel Adjudication System (JPAS) on December 29, 2004 showed that SUBJECT2 had only a Secret Clearance with no additional open investigations.

d. (U) ~~(S//NF)~~ Source stated that SUBJECT2 informed source sometime after Christmas about burning classified material. SUBJECT2 described this in passing to Source and stated the burned documents were only detainee ISN numbers. Source had just returned from dental surgery and at the time did not ask for any additional information about this incident.

e. (U) ~~(S//NF)~~ Source described SUBJECT1 as a very hard worker. Source stated that SUBJECT1 puts in a significant amount of overtime work.

f. (U) ~~(S//NF)~~ Source described SUBJECT2 as a very competent analyst. Source had nothing but positive things to say about SUBJECT1 and SUBJECT2. Source believes that SUBJECT1 and SUBJECT2 must have had "good intentions" and does not feel that either SUBJECT1 or SUBJECT2 had malicious intent in THEIR security violation.

g. (U) ~~(S//NF)~~ Source was unaware of SUBJECT1 or SUBJECT2 committing any security violations. Additionally, Source reviewed JROG S-2 records and did not find any documented security violations.

2. (U) AGENT'S NOTES: Agent names and any other personal identifying information are exempt from release under FOIA exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and

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JTF-GTMO J2/CI

(U)

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba

SAEDA (DSC)

24 December 2004

(U)

ACCN: (b)(7)(E)

may not be disclosed in response to FOIA requests for IIRs or other intelligence investigative documents.

b6

Special Agent  
JTF-GTMO, J2/CI

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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

3 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAEDA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM OFFICIAL  
GOVERNMENT RECORDS

1. ~~(U)~~ ~~(S//NF)~~ On 3 March 2005, a check was made through the Joint  
Personnel Adjudication System concerning the security clearances  
of b6, SGT, b6 DOB: b6  
SUBJECT1; and b6 SSG, b6 DOB: b6  
b6 SUBJECT2 of this investigation. The purpose of  
this check was to determine security clearance level of SUBJECT1  
and SUBJECT2.

a. ~~(U)~~ ~~(S//NF)~~ An SSI investigation for SUBJECT1 was  
completed on September 13, 2001 and SCI Eligibility was granted  
on December 13, 2001.

b. ~~(U)~~ ~~(S//NF)~~ An NLC investigation for SUBJECT2 was  
completed on June 4, 2001 and a Secret clearance was granted on  
February 5, 2004.

2. (U) AGENT'S NOTES: Agent names and any other personal  
identifying information are exempt from release under FOIA  
exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and  
may not be disclosed in response to FOIA requests for IIRs or  
other intelligence investigative documents.

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b6  
Special Agent  
JTF-GTMO, J2/CI

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DATE OF SOURCE: 5 AUG 96

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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

4 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAEDA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM OFFICIAL  
GOVERNMENT RECORDS

1. ~~(S//NF)~~ On 3 March 2005, b1

b1

b1 b6 SGT, b6 DOB: b6  
b6 SUBJECT1; and b6 SSG, b6 DOB: b6  
b6 SUBJECT2 of this investigation. The purpose of  
this check was to determine if SUBJECT1 or SUBJECT2 was ever or  
is currently b1 The check revealed  
no derogatory information for SUBJECT1 or SUBJECT2.

2. (U) AGENT'S NOTES: Agent names and any other personal  
identifying information are exempt from release under FOIA  
exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and  
may not be disclosed in response to FOIA requests for IIRs or  
other intelligence investigative documents.

b6

Special Agent  
JTF-GTMO, J2/CI

DERIVED FROM: USAINSCOM SCC 380-1  
DECLASSIFY ON: X1  
DATE OF SOURCE: 5 AUG 96

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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

12 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAEDA (DSCI)  
24 December 2004  
(U) ACCN: (b)(7)(E)

INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM OFFICIAL  
GOVERNMENT RECORDS

1. ~~(S//NF)~~ On 10 March 2005,

b1

b1

b1

concerning

b6

b6

SGT,

b6

DOB:

b6

SUBJECT1;

and

b6

SSG,

b6

DOB:

b6

SUBJECT2

of this investigation. The purpose of this check was to determine if SUBJECT1 or SUBJECT2 committed any criminal acts at Guantanamo Bay, Cuba. The check revealed no derogatory information for SUBJECT1 or SUBJECT2.

2. (U) AGENT'S NOTES: Agent names and any other personal identifying information are exempt from release under FOIA exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and may not be disclosed in response to FOIA requests for IIRs or other intelligence investigative documents.

b6

Special Agent  
JTF-GTMO, J2/CI

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DECLASSIFY ON: X1  
DATE OF SOURCE: 5 AUG 96

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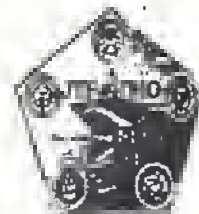
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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

12 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: (S//NF) Guantanamo Bay, Cuba  
(U) SAEDA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM OFFICIAL  
GOVERNMENT RECORDS

1. (U) (S//NF) On 10 March 2005, a check was made by SGT [b6]  
[b6] at the Security Badging Office, Joint Task Force,  
Guantanamo Bay, Cuba (JTF-GTMO), concerning the security access  
of [b6] SGT, [b6] DOB: [b6]  
SUBJECT1; and [b6] SSG, [b6] DOB: [b6]  
[b6] SUBJECT2 of this investigation. The purpose of  
this check was to determine security access level of SUBJECT1  
and SUBJECT2. Both SUBJECT1 and SUBJECT2 had Red JTF Security  
Badges. These Red Badges gave SUBJECT1 and SUBJECT2 Secret  
level access at JTF-GTMO.

2. (U) AGENT'S NOTES: Agent names and any other personal  
identifying information are exempt from release under FOIA  
exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and  
may not be disclosed in response to FOIA requests for IIRs or  
other intelligence investigative documents.

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b6

Special Agent  
JTF-GTMO; J2/CI

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DATE OF SOURCE: 5 AUG 06

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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
05-008 JTF-GTMO

17 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: (S//NF) Guantanamo Bay, Cuba  
(U) SAEDA (NFU)  
24 December 2004  
(U) ACCN: (b)(7)(E)

SUBJECT HAD NO OBJECTION TO HIS IDENTITY BEING RELEASED

1. (U) (S//NF) On 16 March 2005, an interview was conducted with  
b6 SGT, b6 DPOB: b6  
b6 96B Intelligence Analyst; Joint Detainee  
Operations Group (JDOG) 2-2 Joint Task Force Guantanamo Bay  
(JTF-GTMO), Cuba; Work Telephone Number: b6 Home  
Address: b6 Home  
Telephone: b6 PEROS: March 2005; Security Clearance:  
TOP SECRET with daily access to TOP SECRET; SPECIAL ACCESS:  
Sensitive Compartmented Information (SCI); hereinafter referred  
to as SUBJECT1, provided information concerning the incident on  
24 December 2004, HIS background, and SUBJECT2. The purpose of  
this interview was to collect background information on the  
improper possession and destruction of classified documents on  
24 December 2004, SUBJECT1, and SUBJECT2 and determine  
likelihood of SAEDAD involvement by SUBJECTS. SUBJECT1 provided  
the following information:

a. (U) (S//NF) SUBJECT1 gave the following details in  
reference to the incident on 24 December 2004. SUBJECT1 stated  
that there was a small stack of papers on the clothes dryer at  
Kittery Beach (KB) Housing #78A. The document was three to five  
pages, standard 8.5 x 11 in size, and appeared to be a library  
inventory list. SUBJECT1 stated that the first page of the  
document was a list of other titles with classifications of For

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DATE OF SOURCE: 5 AUG 96

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JTF-GTMO J2/CI

SUBJECT: ~~(S//NF)~~ (U) Guantanamo Bay, Cuba

SAEDA (DSC)

24 December 2004

(U) ACCN: (b)(7)(E)

Official Use Only (FOUO) to at least one title with a Top Secret (TS) classification. SUBJECT1 believed that these documents were not classified. SUBJECT1 stated that these were the only classified documents at HIS residence. SUBJECT1 stated that these documents belonged to SUBJECT2.

b.(U) ~~(S//NF)~~ SUBJECT1 took the documents from Source1 and folded them so no one else could view them. SUBJECT1 and Source1 waited approximately 20 minutes for SUBJECT2 to arrive home to b6 from work. When SUBJECT2 arrived SUBJECT2 stated that the documents were HIS. SUBJECT2 started ripping up the document. SUBJECT1 handed an empty coffee can to SUBJECT2 to burn the documents. SUBJECT2 burned the documents in the coffee can. SUBJECT1 was vague and did not clearly answer the reasoning of why THEY burned the documents.

c.(U) ~~(S//NF)~~ SUBJECT1 stated that SPC b6 (Source2) resides at b6 but HE could not recall if SGT b6 b6 Active Duty Army assigned from Fort Bragg; NFI, was residing there at the time of the incident. SUBJECT1 stated that only Source1, SUBJECT1 and SUBJECT2 were present during the incident.

d.(U) ~~(S//NF)~~ SUBJECT1 has not committed any other security violations. SUBJECT1 has no knowledge of SUBJECT2 committing any security violations. SUBJECT1 stated that SUBJECT2 was security conscious and properly stored classified documents but did not always dispose of working papers promptly.

e.(U) ~~(S//NF)~~ SUBJECT1 was read-on in November 2004 and read and signed a non-disclosure agreement. SUBJECT1 described the security training courses which were given to members of the J-DOG S-2. Three months ago, 1SG b6 and SGT b6 gave informal security classes dealing with topics such as Classifying Documents and Setting a Safe. Both 1SG b6 and SGT b6 were members of J-DOG S-2.

f.(U) ~~(S//NF)~~ SUBJECT1 has known SUBJECT2 since SUBJECT1'S arrival to GTMO in May 2004. SUBJECT2 left GTMO in January 2005. SUBJECT2 was SUBJECT1'S supervisor. SUBJECT1 and

2

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JTF-GTMO J2/CI

SUBJECT: (S//NF) Guantanamo Bay, Cuba  
(U) SAEDA (DSC)  
24 December 2004  
(U) ACTION: (b)(7)(E)

SUBJECT2 resided together after November 2004. Before November 2004 SUBJECT1 and SUBJECT2 did not socialize together outside of work. SUBJECT1 provided only favorable information on SUBJECT2.

f. (U) (S//NF) SUBJECT1'S description of the incident on 24 December 2004 differed from Son's description. SUBJECT1 was nervous during the interview. SUBJECT1 was possibly formulating a story as opposed to retelling the facts of the incident of 24 December 2004.

2. (U) AGENT'S NAME: Agent names and any other personal identifying information are exempt from release under FOIA exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and may not be disclosed in response to FOIA requests for IIRs or other intelligence investigative documents.

b6

EXHIBITS:

(U) II (S//NF) DA Form 3831,  
Rights Warning Procedure/Waiver  
Certificate, Signed by SUBJECT1,  
dated 2005/4/29, 1 page

Special Agent  
JTF-GTMO, J2/CI

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16 March 2011  
by USAINSCOM FOI/PA  
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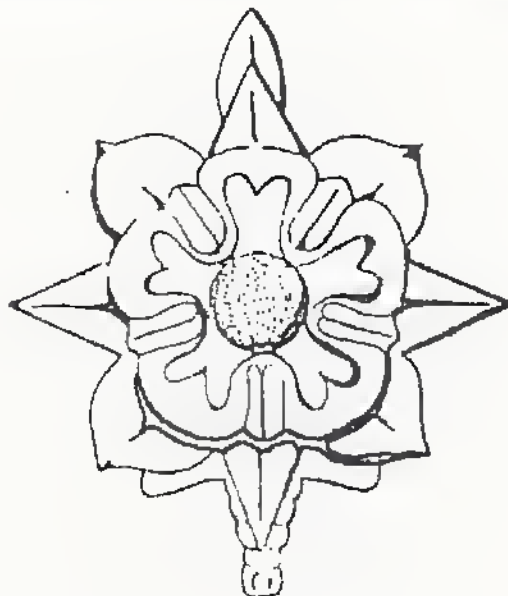
3

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# U.S. ARMY INTELLIGENCE AND SECURITY COMMAND



## EXHIBIT COVER SHEET

(USC 1 Reg. 1.31 in 381-100)

SUBJECT: ~~(S//NF)~~ (U) Guantanamo Bay, Cuba  
SAEIA, CAT III  
24 December 2004

FILE NUMBER: (U) ACCN: (b)(7)(E)

PREPARING UNIT: (U) J2/CI, Joint Taskforce GTMO  
Guantanamo Bay, Cuba  
APO AE 09360

AGENT REPORT DATED: (U) 17 March 2005

DESCRIPTION: (U) DA Form 3881, dtd 16 March 2005,  
signed by SUBJECT1, 1 page.

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16 March 2011  
by USAINSCOM FOIPA  
Auth para 4-102, DOD 5200-1R

Exhibit II

CLASSIFIED BY: ENDURING FREEDOM SCG  
DATE OF LOZANO: 28 March 2002  
DECLASSIFY ON: X1

25  
~~SECRET//NOFORN//X1~~

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-33; the proponent agency is OOC/SOPS

## DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 3017(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Guantanamo Bay, Cuba</u>	2. DATE <u>16 MAR 2005</u>	3. TIME <u>13:15</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>b6</u>	6. ORGANIZATION OR ADDRESS <u>783rd MP BN</u> <u>Joint Task Force Guantanamo Bay, Cuba</u>		
8. SSN <u>b6</u>	7. GRADE/STATUS <u>E-5/USAR</u>		

## PART I - RIGHTS WARNING/INFORM-WAIVER CERTIFICATE

### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Military Intelligence and wanted to question me about the following offense(s) of which I am suspected: Improper Possession/Destruction of Classified Material

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. b6 do not have to answer any question or say anything b6

2. b6 anything I say or do can be used as evidence against me in a criminal trial b6

3. b6 For personnel subject to the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. b6

(For civilians not subject to the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.)

4. b6 I am now willing to discuss the offense(s) under investigation, or if I am not willing to discuss the offense(s), I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further questions. b6

### 5. COMMENTS (Continue on reverse side)

### Section B. Waiver

b6 understand my rights as stated above, and I am willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me b6

WITNESSES (If available)		SIGNATURE OF INTERVIEWEE	
1a. NAME <u>b6</u>	SIGNATURE OF INVESTIGATOR	<u>b6</u>	
b. ORGANIZATION OR ADDRESS AND PHONE <u>C1-J2/JTF-GTMO</u> <u>GUANTANAMO BAY, CUBA APO AE 09360</u>			
2a. NAME (Type or Print)			
b. ORGANIZATION OR ADDRESS AND PHONE	c. ORGANIZATION OF INVESTIGATOR <u>C1-J2/JTF-GTMO</u> <u>GUANTANAMO BAY, CUBA APO AE 09360</u>		

### Section C. Non-waiver

1. I do not want to give up my rights.  
☐ I want a lawyer. ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY CRIMINAL STATEMENT AND FORM 2822/2823, BOTH FULLY EXECUTED BY THE SUSPECT/ACCUSED

# PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

## THE INTERVIEW

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights assignment. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being told your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"

If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.

## SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, and wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of a stop interview, complete it as soon as practicable. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The Office of the Serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he/she desired to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

## COMMENTS (Continued)

~~SECRET//NOFORN//X1~~



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GTMO  
GUANTANAMO BAY, CUBA  
APO AE 09360



JTF-GTMO J2/CI  
JTF-GTMO-05-008

24 March 2005

INVESTIGATIVE MEMORANDUM FOR RECORD

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAEDA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

SUBJECT HAD NO OBJECTION TO HIS IDENTITY BEING RELEASED

1 (U) ~~(S//NF)~~ On 23 March 2005, a follow-up interview was conducted with (b6) SGT, (b6) DPOB: (b6) (b6) 96B Intelligence Analyst, Joint Detainee Operations Group (JDOG) S-2, Joint Task Force Guantanamo Bay (JTF-GTMO), Cuba; Work Telephone Number: (b6) Home Address: (b6) Home Telephone: (b6) PEROS: March 2005; Security Clearance: TOP SECRET with daily access to TOP SECRET; SPECIAL ACCESS: Sensitive Compartmented Information (SCI); hereinafter referred to as SUBJECT1, provided additional information concerning the incident on 24 December 2004. The purpose of this interview was to collect background information on the improper possession and destruction of classified documents on 24 December 2004. SUBJECT1 provided the following information:

a (U) ~~(S//NF)~~ SUBJECT1 initially recalled the same details that HE provided in the March 16, 2005 interview in reference to the incident on 24 December 2004. SUBJECT1 gradually recalled that the small stack of papers on the clothes dryer at (b6) (b6) might have been classified. SUBJECT1 stated that SUBJECT2'S statement that the documents were only a list of other titled with classifications of For Official Use Only (FOUO) so at least one title with a Top Secret (TS)

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DECLASSIFY ON: X1  
DATE OF SOURCE: 5 AUG 96

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JTF-GTMO J2/CI

SUBJECT: ~~(S//NF)~~ Guantanamo Bay, Cuba  
(U) SAGUA (DSC)  
24 December 2004  
(U) ACCN: (b)(7)(E)

classification, which led SUBJECT1 to believe that these documents were not classified.

b. (U) ~~(S//NF)~~ SUBJECT1 eventually admitted that SUBJECT1 documents were classified TOP SECRET. SUBJECT1 stated that SUBJECT2'S reassurance that the documents not being classified had satisfied HIM at that time and SUBJECT1 did not think that the incident was questionable. SUBJECT1 stated that the more and more HE thought about the incident and tried to remember it HE was able to recall that the documents were classified.

c. (U) ~~(S//NF)~~ SUBJECT1 did not initially recall the documents HE was destroying prior to mentioning SUBJECT2'S TS documents to Source1. SUBJECT1 stated that HE occasionally took notes in HIS notebook. SUBJECT1 believed that these notes were not classified TS or SECRET but might be sensitive in nature. SUBJECT1 decided to destroy these documents to be safe.

d. (U) ~~(S//NF)~~ SUBJECT1 stated that only Source1, SUBJECT1 and SUBJECT2 were present during the incident. It is possible that SUBJECT1 did not notice Source2 during the incident. Source2 was sitting on a recliner watching television and was not easily visible.

e. (U) ~~(S//NF)~~ SUBJECT1'S description of the incident on 24 December 2004 corroborated Source1 and Source2'S descriptions.

2. (U) AGENT'S NOTE: Agent names and any other personal identifying information are exempt from release under FOIA exemptions 6 and 7 (5 USC section 552(b)(6) and (b)(7)(c)) and may not be disclosed in response to FOIA requests for IIRs or other intelligence information, give documents.

b6

Regraded UNCLASSIFIED on  
16 March 2011  
by USAINSCOM FOIPA  
Auth para 4-102, DOD 5200-1R

Agent  
JTF-GTMO, J2/CI

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~~SECRET//NOFORN//X1~~